

RESOLUTION NO. 2014-R-08

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF EDGEWATER, FLORIDA RELATING TO THE RATIFICATION OF RESOLUTION NO. 2011-R-08 FOR THE ADOPTION OF THE FINDING OF NECESSITY; RATIFYING THE CREATION OF THE EDGEWATER COMMUNITY REDEVELOPMENT AREA, PURSUANT TO CHAPTER 163, PART III, FLORIDA STATUTES (THE "COMMUNITY REDEVELOPMENT ACT"); PROVIDING FOR ADDITIONAL AND SUPPLEMENTAL FINDING OF NECESSITY; MAKING A LEGISLATIVE FINDING THAT CONDITIONS IN THE EDGEWATER COMMUNITY REDEVELOPMENT AREA MEET THE CRITERIA DESCRIBED IN SECTION 163.340 (7) OR (8), FLORIDA STATUTES ("FINDING OF NECESSITY"); SEEKING APPROVAL FROM VOLUSIA COUNTY THAT BLIGHTED AREA MEET THE CRITERIA DESCRIBED IN THE COMMUNITY REDEVELOPMENT ACT; REQUESTING DELEGATION OF AUTHORITY FROM VOLUSIA COUNTY TO CREATE A COMMUNITY REDEVELOPMENT AREA AND COMMUNITY REDEVELOPMENT AGENCY, ADOPT THE COMMUNITY REDEVELOPMENT PLAN AND ESTABLISH A REDEVELOPMENT TRUST FUND; SEEKING APPROVAL FROM VOLUSIA COUNTY TO MOVE FORWARD WITH THE ADOPTION OF THE COMMUNITY REDEVELOPMENT PLAN, PURSUANT TO SECTION 163.360 AND 163.362, FLORIDA STATUTES (THE "COMMUNITY REDEVELOPMENT PLAN"); PROVIDING FOR FILING WITH THE CITY CLERK; PROVIDING FOR CONFLICTING PROVISIONS, AN EFFECTIVE DATE AND ADOPTION.

WHEREAS, the City of Edgewater, Florida has made the following determination:

WHEREAS, the Florida Legislature duly enacted Chapter 163, Part III, Florida Statutes ("the Community Redevelopment Act") establishing the conditions and procedures for the establishment of community redevelopment areas and agencies; and finding that coastal and resort tourist areas or portions thereof which are deteriorating or economically distressed could be revitalized and redeveloped in a manner that will vastly improve the economic and social conditions of the community; and

WHEREAS, by Resolution No. 2011-R-08 adopted by the City Council of the City of Edgewater (herein referred to as "City Council") on April 18, 2011, the City Council ascertained, determined and declared a legislative finding of fact that the conditions in the Community Redevelopment Area meet the criteria described in Sec. 163.340 (7) or (8),

Florida Statutes (herein referred to as “F.S.”); City Council adopted the Finding of Necessity Report of January 2011; and, in accordance with Sec. 163.356, F.S., found that there is a need for a Community Redevelopment Agency; and

WHEREAS, following the adoption of the Finding of Necessity Report, the City of Edgewater initiated the Preliminary Community Redevelopment Plan, which was completed on July 2, 2012.

WHEREAS, the City of Edgewater commissioned Tindal Oliver & Associates, Inc. (herein referred to as “Consultant”) to update the 2011 Finding of Necessity Report and the 2012 Preliminary Community Redevelopment Plan for the proposed Edgewater Community Redevelopment Area (herein referred to as “Redevelopment Area”) to meet Chapter 163 Part III, F.S. and comply with Volusia County Ordinance 2010-20; and

WHEREAS, the City of Edgewater reviewed the independent Finding of Necessity Report of April 2014 (herein referred to as “Finding Report”) prepared by Consultant. Said Finding Report meets the Finding of Necessity requirements of Florida Statutes, Section 163, Part III, F.S.; and

WHEREAS, the City of Edgewater considered public input, the recommendation of the staff, and standards and guidelines of Chapter 163, Part III, F.S.; and

WHEREAS, pursuant to Section 163.346, F.S., the City of Edgewater has provided public notice of its intent to consider adopting a resolution declaring a finding of necessity for creation of the Redevelopment Area at least fifteen (15) days before such proposed action by registered mailed notice to each taxing authority which levies ad valorem taxes on real property contained within the geographic boundaries of the proposed Redevelopment Area and in compliance with the notice requirements set forth in Section 166.041(3)(a), F.S.; and

WHEREAS, conditions are present which are detrimental to the sound growth of the Redevelopment Area and which substantially impair or arrest appropriate growth with the Redevelopment Area, and present conditions and uses which are detrimental to the public health, safety, morals and public welfare; and

WHEREAS, based upon current evidence, data, analysis, and facts, the Finding Report of April 2014 confirmed that conditions in the Redevelopment Area meet the criteria described in Section 163.340 (7) or (8), F.S., blighted areas still exist within the Redevelopment Area, and rehabilitation, conservation, or redevelopment of the Redevelopment Area is necessary in the interest of public health, safety, morals or welfare of the residents of Edgewater; and

WHEREAS, the Redevelopment Area is a coastal and tourist area that is deteriorating and economically distressed due to outdated building density patterns, inadequate transportation and parking facilities, faulty lot layout, an inadequate street layout; and

WHEREAS, within the Redevelopment Area there is a predominance of defective or inadequate street layout, parking facilities, roadways, or public transportation facilities; and

WHEREAS, aggregate assessed values of real property in the Redevelopment Area for ad valorem tax purposes have failed to show any appreciable increase and in fact the trend shows that the building values are either decreasing or not increasing at rates similar to other areas of the City of Edgewater, and there has been a lack of private investment in the past 6 years; and

WHEREAS, within the Redevelopment Area there exists faulty lot layout in relation to size, adequacy, accessibility, or usefulness; and

WHEREAS, within the Redevelopment Area there exists unsanitary or unsafe conditions; and

WHEREAS, the Redevelopment Area contains a substantial number of deteriorated or deteriorating structures; and

WHEREAS, within the Redevelopment Area there exists inadequate or outdated building patterns; and

WHEREAS, the Redevelopment Area can be revitalized or redeveloped in a manner that will vastly improve the economic and social conditions of the community; and

WHEREAS, after considering the recommendation contained within the Finding Report of April 2014 prepared by Consultant and after providing proper notice to all taxing authorities which levy ad valorem taxes on real property, testimony and evidence, the City Council makes a legislative finding of fact that conditions exist which warrant the creation of a Redevelopment Area; and

WHEREAS, the City of Edgewater seeks approval from Volusia County that the Redevelopment Area meets the criteria described in Chapter 163, Part III, F.S and requests delegation of authority to create a Redevelopment Area and Community Redevelopment Agency, adopt the Community Redevelopment Plan and establish a Redevelopment Trust Fund; and

WHEREAS, the City of Edgewater reviewed the independent Community Redevelopment Plan of May 2014 (herein referred to as "Plan") prepared by Consultant. Said Plan meets the Community Redevelopment Plan requirements of Florida Statutes, Section 163, Part III, F.S.; and

WHEREAS, the City of Edgewater seeks approval from Volusia County that the Plan of 2014 meets the Community Redevelopment Plan requirements of Section 163, Part III, F.S., and requests that the City of Edgewater be authorized to move forward with the adoption of the Plan.

NOW, THEREFORE, be it resolved by the City Council of the City of Edgewater, Florida:

Section 1. Recitals. The above recitals are true and correct, are hereby accepted as legislative findings of fact, and incorporated into this Resolution by this reference.

Section 2. Finding of Necessity Approval. This Resolution is supported by data and analysis and the City Council makes a legislative finding of fact that the conditions in the Redevelopment Area meet the criteria described in Section 163.340 (7) or (8), F.S. The City Council adopts the Finding Report of April 2014 prepared by Consultant (which is attached hereto and incorporated herein as Exhibit "A") and in accordance with Section 163.356, F.S. finds that there is a need for a Community Redevelopment Agency for Edgewater. The geographic area of the Redevelopment Area is designated as depicted on the map (which is attached hereto and incorporated herein as Exhibit "B").

Section 3. Delegation of Authority Approval. City Council seeks approval from Volusia County that the Redevelopment Area meets the criteria described in Chapter 163, Part III, F.S. and requests delegation of authority to create a Redevelopment Area and Community Redevelopment Agency, adopt the Community Redevelopment Plan and establish a Redevelopment Trust Fund.

Section 4. Community Redevelopment Plan Approval. City Council seeks approval from Volusia County that the Plan of 2014 meets the Community Redevelopment Plan requirements of Florida Statutes, Section 163.360 and 163.362, F.S., and requests that the City of Edgewater be authorized to move forward with the adoption of the Plan (which is attached hereto and incorporated herein as Exhibit "C").

Section 5. Recordation Required. This Resolution relating to the Redevelopment Area shall be recorded in the Minutes of this City Council and filed with the Edgewater City Clerk's Office.

Section 6. All resolutions or parts of resolutions in conflict herewith are hereby repealed.

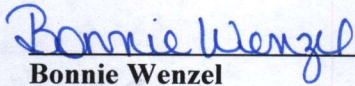
Section 7. This resolution shall take effect upon adoption.

After Motion to approve by Councilman Emter with Second by Councilwoman Power, the vote on this resolution held on May 5, 2014, was as follows:

	AYE	NAY
Mayor Michael Thomas	<u>X</u>	_____
Councilwoman Christine Power	<u>X</u>	_____
Councilwoman Gigi Bennington	<u>X</u>	_____
Vice Mayor Michael Ignasiak	<u>X</u>	_____
Councilman Gene Emter	<u>X</u>	_____

PASSED AND DULLY ADOPTED this 5th day of May 2014.

ATTEST:



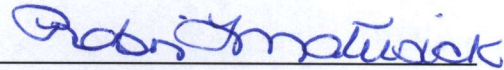
Bonnie Wenzel

City Clerk

CITY COUNCIL OF THE
CITY OF EDGEWATER, FLORIDA

By: 

Michael Thomas
Mayor



Robin L. Matusick
Paralegal

For the use and reliance only by the City of Edgewater,
Florida. Approved as to form and legality by:
Aaron R. Wolfe, Esquire
City Attorney
Doran, Sims, Wolfe, Kundid,
Ciocchetti & Wagner

Approved by the City Council of the City of
Edgewater at a meeting held on this 5th day of May,
2014 under Agenda Item No. 8 b.